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REMARKS

The issues currently in the instant application are as follows:

- Claims 1-4, 19-24, 27, 36-41, 46, 49, 55, and 57-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Eggleston (US 6,101,531).
- Claims 10-18, 28-33, 42-45, and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (US 6,101,531) in view of Official Notice.
- Claims 5-9, 25-26, 34-35, 47-48, 50, 62, and 63 have been objected to as being dependent upon a rejected base claim.

Applicant traverses all the outstanding objections and rejections and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

Amendments to the Claims

Claims 1-4 and 6 have been canceled.

Claims 5 and 7-17 have been amended to depend from independent claim 21 instead of claim 1. Claim 17 has also been amended to remove an extra period at the end of the sentence.

Claims 19-20 have been amended to recite a message server. One embodiment of a message server is element 172 shown in FIG. 8 and described on page 22 lines 3-13 of the originally-filed specification. Thus, no new matter has been added.

Claim 50 has been amended to depend from claim 41 instead of claim 42, which was a clerical error.

Claim 55 has been amended to recite a message server. One embodiment of a message server is element 172 shown in FIG. 8 and described on page 22 lines 3-13 of the originally-filed specification. Thus, no new matter has been added.

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No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

35 U.S.C. § 102(b) - Eggleston

Claims 1-4, 19-24, 27, 36-41, 46, 49, 55, and 57-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Eggleston (US 6,101,531).

Claims 1-4 have been canceled.

Claims 19-20 and 55 have been amended to recite a "first messaging client" having a first communication connection with a message server and "a second messaging client" having a second communication connection with the message server. Claims 19-20 also recite transferring a plurality of client data from the first messaging client to the second messaging client. Claim 55 recites that the second messaging client receives the plurality of client data from the first messaging client. Applicant understands Eggleston to show only one client (e.g., Eggleston mobile station 105 or client 201) and several different types of servers (e.g., Eggleston communication server 110, 220 and post office host server 115, 240). Eggleston column 15 lines 46-50 does not show, suggest, or require that client data be transferred from one client to another client within a group. Only hindsight reconstruction might lead one of ordinary skill to conclude that multiple client packet rate governors (PRGs) 209 would be used to control group limits rather than the communication server's PRG 234. Thus, claims 19-20 and 55 are not anticipated by Eggleston. Claims 57-61 depend indirectly from claim 55 and thus are also not anticipated by Eggleston.

Similar to amended claims 19-20, original claim 21 recites "a first communication connection . . . between a first messaging client and the message server," "transferring . . . client data from the first messaging client to a second messaging client," and "a second

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communication connection . . . between the second messaging client and the message server." As stated previously, Eggleston column 15 lines 46-50 does not show, suggest, or require that client data be transferred from one client to another client within a group. Thus, claim 21 is also not anticipated by Eggleston. Claims 22-24 depend directly or indirectly upon claim 21 and thus also are not anticipated by Eggleston.

Original claim 27 recites "establishing at least one messaging session having a session identifier between the first messaging client and at least one other messaging client" and "transferring . . . the session identifier from the first messaging client to a second message client." Eggleston describes a sessionless data flow between a mobile user 105 and a server 110. The server 110 maintains a session with a host 115, but the data flow between the mobile user 105 and the server 110 is managed through a virtual session and is actually sessionless. See Eggleston column 4 lines 35-56. Thus, Eggleston does not show or suggest (1) a messaging session with a session identifier or (2) transferring that session identifier from a first messaging client to a second messaging client as recited in claim 27. Claim 36-40 depend directly or indirectly upon claim 27 and also are not anticipated by Eggleston.

Similar to claim 27, original claim 41 recites "establishing a plurality of messaging sessions each having a session identifier between the first messaging client and at least one of the plurality of messaging clients" and "transferring . . . at least one session identifier . . . from the first messaging client to a second message client." Because Eggleston's data flow between the mobile user 105 and the server 110 is sessionless, claim 41 is not anticipated by Eggleston. Claim 46 and 49 depend directly upon claim 41 and also are not anticipated by Eggleston.

Reconsideration and withdrawal of the rejection of claims 1-4, 19-24, 27, 36-41, 46, 49, 55, and 57-61 under 35 U.S.C. § 102(b) as being anticipated by Eggleston is respectfully requested.

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35 U.S.C. § 103(a) - Eggleston

Claims 10-18, 28-33, 42-45, and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (US 6,101,531) and further in view of Official Notice regarding activation activity.

Claims 10-17 have been amended to depend from independent claim 21. Claim 18 depends from claim 17, which depends from claim 21. Independent claim 21 has been discussed with respect to Eggleston above, and due to the dependency of claims 10-18 on claim 21, claims 10-18 are not unpatentable over Eggleston in view of Official Notice.

Claims 28-33 depend directly or indirectly from claim 27 (discussed with respect to Eggleston above) and thus are not unpatentable over Eggleston in view of Official Notice.

Claims 42-45 depend directly or indirectly from claim 41 (discussed with respect to Eggleston above) and thus are not unpatentable over Eggleston in view of Official Notice.

Claim 56 depends directly from claim 55 (discussed with respect to Eggleston above) and thus is not unpatentable over Eggleston in view of Official Notice.

Reconsideration and withdrawal of the rejection of claims 10-18, 28-33, 42-45, and 56 under 35 U.S.C. § 103(a) as being obvious in view of Eggleston and Official Notice is respectfully requested.

Allowable Subject Matter

Applicant acknowledges that the Examiner has indicated that claims 51-54 and 64-72 are allowable over the prior art of record. Applicant gratefully acknowledges that the Examiner has indicated that claims 5-9, 25-26, 34-35, 47-48, 50, 62, and 63 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

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S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to
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Respectfully submitted,

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